SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1001 be amended to read as follows:

1	Page 142, delete lines 20 through 51, begin a new paragraph and
2	insert:
3	"SECTION 105. IC 25-1-4-0.4 IS ADDED TO THE INDIANA
4	CODE AS A NEW SECTION TO READ AS FOLLOWS
5	[EFFECTIVE JULY 1, 2003]: Sec. 0.4. As used in this chapter,
6	"board" refers to any agency, board, advisory committee, or group
7	listed in IC 25-1-5.
8	SECTION 106. IC 25-1-4-3.2, AS ADDED BY P.L.227-2001,
9	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10	JULY 1, 2003]: Sec. 3.2. Except for a board listed in IC 25-1-5-3, a
11	board or agency regulating a profession or occupation under this title
12	or under IC 15, IC 16, or IC 22 shall require that at least one-half
13	(50%) (1/2) of all continuing education requirements must be allowed
14	by distance learning methods. except for doctors, nurses, chiropractors,
15	optometrists and dentists.
16	SECTION 107. IC 25-1-5-1 IS AMENDED TO READ AS
17	FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The centralization of
18	staff, functions, and services contemplated by this chapter shall be done
19	in such a way as to enhance the health professions bureau's Indiana
20	licensing agency's ability to:
21	(1) make maximum use of data processing as a means of more
22	efficient operation; and
23	(2) provide more services and carry out functions of superior
24	quality.
25	SECTION 108. IC 25-1-5-2 IS AMENDED TO READ AS
26	FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this
27	chapter:
28	"Board" means any agency, board, advisory committee, or group
29	included in section 3 or 3.1 of this chapter.
30	"Bureau" "Agency" means the bureau Indiana licensing agency
31	created by section 3 of this chapter.

1	SECTION 109. IC 25-1-5-3, AS AMENDED BY P.L.24-1999,
2	SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3	JULY 1, 2003]: Sec. 3. (a) There is established the health professions
4	bureau. Indiana licensing agency. The bureau agency shall perform
5	all administrative functions, duties, and responsibilities assigned by
6	law or rule to the executive director, secretary, or other statutory
7	administrator of the following:
8	(1) Board of chiropractic examiners (IC 25-10-1).
9	(2) State board of dentistry (IC 25-14-1).
10	(3) Indiana state board of health facility administrators
11	(IC 25-19-1).
12	(4) Medical licensing board of Indiana (IC 25-22.5-2).
13	(5) Indiana state board of nursing (IC 25-23-1).
14	(6) Indiana optometry board (IC 25-24).
15	(7) Indiana board of pharmacy (IC 25-26).
16	(8) Board of podiatric medicine (IC 25-29-2-1).
17	(9) Board of environmental health specialists (IC 25-32).
18	(10) Speech-language pathology and audiology board
19	(IC 25-35.6-2).
20	(11) State psychology board (IC 25-33).
21	(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
22	(13) Controlled substances advisory committee (IC 35-48-2-1).
23	(14) Committee of hearing aid dealer examiners (IC 25-20).
24	(15) Indiana physical therapy committee (IC 25-27).
25	(16) Respiratory care committee (IC 25-34.5).
26	(17) Occupational therapy committee (IC 25-23.5).
27	(18) Social worker, marriage and family therapist, and mental
28	health counselor board (IC 25-23.6).
29	(19) Physician assistant committee (IC 25-27.5).
30	(20) Indiana athletic trainers board (IC 25-5.1-2-1).
31	(21) Indiana dietitians certification board (IC 25-14.5-2-1).
32	(22) Indiana hypnotist committee (IC 25-20.5-1-7).
33	(b) Nothing in this chapter may be construed to give the bureau
34	agency policy making authority, which authority remains with each
35	board.
36	SECTION 110. IC 25-1-5-3.1 IS ADDED TO THE INDIANA
37	CODE AS A NEW SECTION TO READ AS FOLLOWS
38	[EFFECTIVE JULY 1, 2003]: Sec. 3.1. The agency shall perform all
39	administrative functions, duties, and responsibilities assigned by
40	law or rule to the executive director, secretary, or other statutory
41	administrator of the following:
42	(1) Indiana board of accountancy (IC 25-2.1-2-1).
43	(2) Board of registration for architects and landscape
44	architects (IC 25-4-1-2).
45	(3) Indiana auctioneer commission (IC 25-6.1-2-1).
46	(4) State board of barber examiners (IC 25-7-5-1).
17	(5) State having commission (IC 25.0.1)

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(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

- 2 (7) State board of funeral and cemetery service (IC 25-15-9).
- 3 (8) State board of registration for professional engineers 4 (IC 25-31-1-3).
 - (9) Indiana plumbing commission (IC 25-28.5-1-3).
 - (10) Indiana real estate commission (IC 25-34.1).
 - (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- 9 (12) Private detectives licensing board (IC 25-30-1-5.1).
 - (13) State board of registration for land surveyors (IC 25-21.5-2-1).
 - (14) Manufactured home installer licensing board (IC 25-23.7).

SECTION 111. IC 25-1-5-4, AS AMENDED BY P.L.75-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The bureau agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.
 - (b) In addition the bureau: agency:
 - (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 **and section 3.1** of this chapter;
 - (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize bureau agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
 - (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.
- (c) In administering the renewal of licenses or certificates under this chapter, the bureau agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the bureau, agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the bureau, agency the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification,

the bureau agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

- (e) The bureau agency may require an applicant for license renewal to submit evidence proving that:
 - (1) the applicant continues to meet the minimum requirements for licensure; and
 - (2) the applicant is not in violation of:
 - (A) the statute regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.
- (f) The bureau agency shall process an application for renewal of a license or certificate:
 - (1) not later than ten (10) days after the bureau agency receives all required forms and evidence; or
 - (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the bureau agency with all required forms and evidence.

This subsection does not require the bureau agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

- (g) The bureau agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the bureau agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the bureau agency delays issuing a license renewal, the bureau agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:
 - (1) Deny the license renewal following a personal appearance by the applicant before the board.
 - (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
 - (3) Issue the license renewal and file a complaint under IC 25-1-7.
 - (4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
 - (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.
- (h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).
 - (i) If the board makes a request under subsection (g)(4), the office

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of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

- (j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.
- (k) Notwithstanding any other statute, the bureau agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the bureau agency must obtain the approval of the affected board or committee.
- (1) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 112. IC 25-1-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The bureau agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

- (b) The executive director must be qualified by experience and training.
- (c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the bureau agency or the executive director's designee.
- (d) The executive director is the chief fiscal officer of the bureau agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the bureau agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint not to exceed three (3) deputy directors, who must be qualified to work for the boards which are served by the bureau. agency.

(e) The executive director shall execute a bond payable to the state,

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with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the bureau agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the bureau. agency. The costs of any such bonds shall be paid from funds available to the bureau. agency.

- (f) The executive director may present to the general assembly legislative recommendations regarding operations of the bureau agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.
- (g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.
- (h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

SECTION 113. IC 25-1-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The executive director may designate certain employees of the bureau agency to represent the executive director of the bureau agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

SECTION 114. IC 25-1-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The bureau agency and the boards may allow the department of state revenue access to the name of each person who:

- (1) is licensed under this chapter; or
- (2) has applied for a license under this chapter.
- (b) If the department of state revenue notifies the bureau agency that a person is on the most recent tax warrant list, the bureau agency may not issue or renew the person's license until:
 - (1) the person provides to the bureau agency a statement from the department of state revenue that the person's delinquent tax liability has been satisfied; or
 - (2) the bureau agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 115. IC 25-1-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified

1 document that shows that the applicant graduated from or received the 2 required diploma from the applicable school or program. SECTION 116. IC 25-1-5-10, AS ADDED BY P.L.211-2001, 3 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 5 JULY 1, 2003]: Sec. 10. (a) As used in this section, "provider" means 6 an individual licensed, certified, registered, or permitted by any of the 7 following: 8 (1) Board of chiropractic examiners (IC 25-10-1). (2) State board of dentistry (IC 25-14-1). 9 (3) Indiana state board of health facility administrators 10 11 (IC 25-19-1). (4) Medical licensing board of Indiana (IC 25-22.5-2). 12 13 (5) Indiana state board of nursing (IC 25-23-1). (6) Indiana optometry board (IC 25-24). 14 (7) Indiana board of pharmacy (IC 25-26). 15 (8) Board of podiatric medicine (IC 25-29-2-1). 16 (9) Board of environmental health specialists (IC 25-32-1). 17 (10) Speech-language pathology and audiology board 18 19 (IC 25-35.6-2). 20 (11) State psychology board (IC 25-33). (12) Indiana board of veterinary medical examiners (IC 15-5-1.1). 21 (13) Indiana physical therapy committee (IC 25-27). 22 (14) Respiratory care committee (IC 25-34.5). 23 (15) Occupational therapy committee (IC 25-23.5). 24 25 (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6). 26 27 (17) Physician assistant committee (IC 25-27.5). (18) Indiana athletic trainers board (IC 25-5.1-2-1). 28 29 (19) Indiana dietitians certification board (IC 25-14.5-2-1). (20) Indiana hypnotist committee (IC 25-20.5-1-7). 30 31 (b) The bureau agency shall create and maintain a provider profile 32 for each provider described in subsection (a). 33 (c) A provider profile must contain the following information: (1) The provider's name. 34 (2) The provider's license, certification, registration, or permit 35 36 number. 37 (3) The provider's license, certification, registration, or permit 38 type. 39 (4) The date the provider's license, certification, registration, or permit was issued. 40 (5) The date the provider's license, certification, registration, or 41 permit expires. 42 (6) The current status of the provider's license, certification, 43 registration, or permit. 44 (7) The provider's city and state of record. 45 (8) A statement of any disciplinary action taken against the 46 47 provider within the previous ten (10) years by a board or

1	committee described in subsection (a).
2	(d) The bureau agency shall make provider profiles available to the
3	public.
4	(e) The computer gateway administered by the intelenet commission
5	under IC 5-21-2 and known as Access Indiana shall make the
6	information described in subsection $\frac{(c)(1)}{(c)(2)}$, $\frac{(c)(3)}{(c)(6)}$, $\frac{(c)(6)}{(c)(7)}$,
7	and $(c)(8)$ (c) generally available to the public on the Internet.
8	(f) The bureau agency may adopt rules under IC 4-22-2 to
9	implement this section.
10	SECTION 117. IC 25-1-7-5, AS AMENDED BY P.L.14-2000,
11	SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12	JULY 1, 2003]: Sec. 5. (a) Subsection (b)(1) does not apply to:
13	(1) a complaint filed by:
14	(A) a member of any of the boards listed in section 1 of this
15	chapter; or
16	(B) the health professions bureau; Indiana licensing agency;
17	or
18	(2) a complaint filed under IC 25-1-5-4.
19	(b) The director has the following duties and powers:
20	(1) He shall make an initial determination as to the merit of each
21	complaint. A copy of a complaint having merit shall be submitted
22	to the board having jurisdiction over the licensee's regulated
23	occupation, that board thereby acquiring jurisdiction over the
24	matter except as otherwise provided in this chapter.
25	(2) He shall through any reasonable means notify the licensee of
26	the nature and ramifications of the complaint and of the duty of
27	the board to attempt to resolve the complaint through negotiation.
28	(3) He shall report any pertinent information regarding the status
29 30	of the complaint to the complainant.
31	(4) He may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there
32	appears to be a violation of statutes governing the regulated
33	occupation.
34	(5) He has the power to subpoena witnesses and to send for and
35	compel the production of books, records, papers, and documents
36	for the furtherance of any investigation under this chapter. The
37	circuit or superior court located in the county where the subpoena
38	is to be issued shall enforce any such subpoena by the director.
39	SECTION 118. IC 25-1-7-6, AS AMENDED BY P.L.22-1999,
40	SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41	JULY 1, 2003]: Sec. 6. (a) This section does not apply to:
42	(1) a complaint filed by:
43	(A) a member of any of the boards listed in section 1 of this
44	chapter; or
45	(B) the health professions bureau; Indiana licensing agency ;
46	or
47	(2) a complaint filed under IC 25-1-5-4.
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(b) If, at any time before the director files his recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

SECTION 119. IC 25-1-8-6, AS ADDED BY P.L.269-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) As used in this section, "board" has the meaning set forth in IC 25-1-4-0.3. IC 25-1-5-3 and IC 25-1-5-3.1.

- (b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.
- (c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:
 - (1) Submission of the holder's completed renewal application.
 - (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
 - (3) Payment of a reinstatement fee established by the health professions bureau. Indiana licensing agency.
 - (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:
 - (1) Submission of the holder's completed renewal application.
 - (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
 - (3) Payment of a reinstatement fee equal to the current initial

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1	application fee.
2	(4) If a law requires the holder to complete continuing education
3	as a condition of renewal, the holder shall provide the board with
4	a sworn statement, signed by the holder, that the holder has
5	fulfilled the continuing education requirements required by the
6	board for the current renewal period.
7	(5) Complete such remediation and additional training as deemed
8	appropriate by the board given the lapse of time involved.
9	(6) Any other requirement that is provided for in statute or rule
10	that is not related to fees.
11	SECTION 120. IC 25-1-9-2 IS AMENDED TO READ AS
12	FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this
13	chapter, "practitioner" means an individual who holds:
14	(1) an unlimited license, certificate, or registration;
15	(2) a limited or probationary license, certificate, or registration;
16	(3) a temporary license, certificate, registration, or permit;
17	(4) an intern permit; or
18	(5) a provisional license; or
19	(6) an inactive license;
20	issued by the board regulating the profession in question, including a
21	certificate of registration issued under IC 25-20.
22	SECTION 121. IC 25-1-11-2 IS AMENDED TO READ AS
23	FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this
24	chapter, "practitioner" means a person that holds:
25	(1) an unlimited license, certificate, registration, or permit;
26	(2) a limited or probationary license, certificate, registration, or
27	permit;
28	(3) a temporary license, certificate, registration, or permit;
29	(4) an intern permit; or
30	(5) an inactive license; or
31	(6) a provisional license;
32	issued by the board regulating a profession.".
33	Delete pages 143 through 148.
34	Page 149, delete lines 1 through 2.
35	Page 151, delete line 7, begin a new paragraph and insert:
36	"SECTION 124. THE FOLLOWING ARE REPEALED
37	[EFFECTIVE JULY 1, 2003]: IC 25-1-4-0.3; IC 25-1-2-9; IC 25-1-6;
38	IC 25-1-11-9.5.".
39	Page 151, delete lines 48 through 51, begin a new paragraph and
40	insert:
41	"SECTION 127. [EFFECTIVE JULY 1, 2003] (a) On July 1, 2003,
42	the Indiana licensing agency becomes the owner of all the property
43	of the professional licensing agency and the health professions
44	bureau. An appropriation made to the professional licensing
45	agency or to the health professions bureau shall be treated after
46	June 30, 2003, as an appropriation to the Indiana licensing agency.
47	After June 30, 2003, all assets, debts, and liabilities of the

1	professional licensing agency and the health professions bureau
2	shall be treated as assets, debts, and liabilities of the Indiana
3	licensing agency.
4	(b) Any reference in a law, rule, license, registration,
5	certification, or agreement to the health professions bureau or the
6	professional licensing agency shall be treated after June 30, 2003,
7	as a reference to the Indiana licensing agency.
8	(c) The legislative services agency shall prepare legislation for
9	introduction in the 2004 regular session of the general assembly to
10	organize and correct statutes affected by the transfer of
11	responsibilities to the Indiana licensing agency by this act.".
12	Page 152, delete lines 1 through 6.
13	Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 1, 2003.)

Senator MEEKS R